

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

RODERICK L. IRELAND
Chief Justice

1. Court Submitting Rules for Approval:

Appeals Court

2. Date Rules Submitted for Approval:

March 18, 2011

3. Date Approved and Promulgated by the Supreme Judicial Court:

April 20, 2011

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

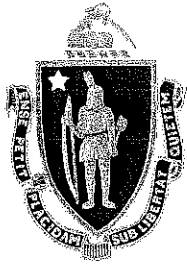
Adoption of Standing Order Governing Electronic Notification

of Court Orders, Notices and Decisions in Lieu of Paper

Notice

Effective date: June 1, 2011

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



COMMONWEALTH OF MASSACHUSETTS
THE APPEALS COURT
BOSTON, MASSACHUSETTS 02108

PHILLIP RAPOZA
CHIEF JUSTICE

March 18, 2011

Honorable Francis X. Spina
Chair, SJC Rules Committee
Supreme Judicial Court
John Adams Courthouse
Boston, Massachusetts 02108

Re: Adoption of Standing Order Governing Electronic Notification of Court Orders, Notices, and
Decisions in Lieu of Paper Notice

Dear Justice Spina:

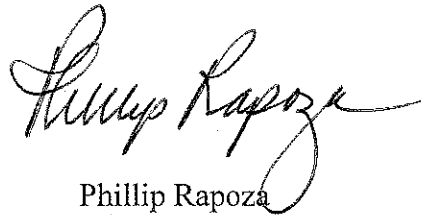
The Justices of the Appeals Court have proposed a Standing Order Governing Electronic Notification of Court Orders, Notices, and Decisions in Lieu of Paper Notice.

The Standing Order permits attorneys and self-represented litigants to register to receive only electronic (i.e., e-mail) notification of the court's actions, orders, and decisions, in lieu of paper notice. To register, attorneys and self-represented litigants must file a signed consent form, which will be available on the Appeals Court's website as a PDF form that can be filled, saved, and e-mailed to the Clerk's Office. The Clerk's Office will issue the electronic notifications multiple times each day to registered attorneys and self-represented litigants, while conserving its limited resources and expenses by not printing and mailing duplicative paper notices.

The Appeals Court solicited public comment on the standing order. One comment was received, and it was in favor of the standing order. Subsequently, the court made some administrative changes to the standing order to reflect and clarify the new technological processes that will occur when the standing order becomes effective.

I respectfully request that the Supreme Judicial Court approve the adoption of this standing order. As we would like the standing order to become effective on May 1, 2011, I would request an expedited approval to allow time for publication and to allow attorneys and self-represented litigants sufficient time to register for the program before its effective date.

Yours truly,

A handwritten signature in black ink, appearing to read "Phillip Rapoza", written in a cursive style. The signature is positioned above the printed name "Phillip Rapoza".

Phillip Rapoza

PR/md

Enclosures

cc: Joseph Stanton, Clerk

Massachusetts Appeals Court

Standing Order Governing Electronic Notification of Court Orders, Notices, and Decisions in Lieu of Paper Notice

A. Registration.

(1). All counsel of record and self-represented litigants may register with the Appeals Court to receive only electronic (i.e., e-mail) notification of all actions, orders, judgments, rescripts, and decisions entered by the Appeals Court, including the scheduling of an oral argument, in an appeal in which they are participating. Persons who register to receive electronic notification will not receive any paper notice by first-class U.S. mail. Persons who do not register to receive electronic notification will receive only paper notice by first-class U.S. mail.

(2). Registration is performed by signing and filing the "Consent to Electronic Notification Form" (Consent Form). The Consent Form is available on the Appeals Court's website. The completed Consent Form can be filed with the Clerk's Office either as an original paper by hand delivery or by first-class mail, or by scanning it, with the required written signature, in portable document format (PDF) and emailing the PDF to enoticesignup@appct.state.ma.us with the subject header "E-Notice Consent Registration."

(3). Registrations for attorneys will be applied to all pending and future notifications entered in the Appeals Court involving that attorney. Once the Consent Form has been registered for an attorney, there is no need to register separately for each appeal. Self-represented litigants must register separately in each appeal for which they seek to receive electronic notice by identifying the docket number of each appeal in their Consent Form.

(4). Only one e-mail address per attorney or self-represented litigant can be used at a time. Each attorney can designate a second person employed at the same law firm or office (e.g., co-counsel, secretary, assistant district attorney, etc.) to receive a copy of all electronic notifications sent to the attorney.

(5). Persons who previously registered to receive electronic notices prior to the effective date of this standing order and who wish to continue to receive electronic notices must file a Consent Form. Persons who previously registered and who do not file a Consent Form will no longer receive electronic notices.

B. Transmission of Orders, Notices, and Decisions.

The clerk will serve and give notice of actions, orders, judgments, rescripts, and decisions entered by the Appeals Court, including the scheduling of oral argument, by electronic notification to all attorneys and self-represented litigants who have properly registered to receive electronic notification.

C. Transmission of Orders, Notices, and Decisions to Self-Represented Litigants.

If during the course of the appeal, a self-represented litigant who has registered to receive electronic notification retains an attorney who enters an appearance, the clerk shall stop serving notice to the former self-represented litigant.

D. Clerk's Functions and Entry of Court-Issued Documents.

(1). The court may issue orders through the creation of a docket entry and the issuance of notice thereof to the parties. Any order or document electronically issued by the court without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the order. Actions or orders also may be issued as "text-only" entries on the docket, without a separate paper copy of the action or order. Such orders are official and binding.

(2). Upon the entry of an action, order, judgment, rescript, or decision, the clerk will electronically transmit to registered recipients in the case a Notice of Docket Entry or Decision that contains the court's order, action, notice, or judgment. The full text of a rescript or decision will not accompany the notice because that information is available at the Reporter of Decisions website and will be so noted in the electronic notification.

(3). Electronic notification of the Notice of Docket Entry or Decision constitutes the notice and service of the action, order, judgment, rescript, or decision required by Mass.R.A.P. 31(c). The clerk shall provide notice in paper form by first-class mail only to a person who has not consented and registered for electronic notification.

E. Recipient's Responsibilities and Undeliverable Electronic Notification.

(1). It is the responsibility of counsel and the self-represented litigant to maintain a current e-mail address with the court, to verify that their e-mail inbox is working properly and receiving incoming electronic notifications at all times from the court, and to file a Change of Electronic Mail Address Form within three business days of a change of e-mail address.

(2). If service is made to the recipient's most current electronic mail address on file with the court and returned to the court as undeliverable, the notice will then be served by first-class mail; provided, however, any time period countable from the completion of service of notice shall be based upon the service of the electronic notice. The recipient's e-mail address will be deactivated until the recipient provides written notice to the court that the address is again receiving electronic notifications.

F. Application.

The clerk's issuance of electronic notifications pursuant to this standing order shall be deemed to be in compliance with the requirements concerning the clerk's service or mailing of paper notice by conventional or first-class mail, as required by Mass.R.A.P. 1, 10(a)(3), 23, and 31(c).